

**UNITED STATES DISTRICT COURT**  
**WESTERN DISTRICT OF LOUISIANA**

**NOTICE OF AMENDMENT TO UNIFORM LOCAL RULES**

Pursuant to Rule 83 of the Federal Rules of Civil Procedure, public notice is hereby given of proposed amendments to the Uniform Local Rules of the United States District Courts for the Eastern, Middle and Western Districts of Louisiana. The following amendments to the Local Rules have been proposed by the judges of the Western District of Louisiana (underlined portions and shaded portions are added; old language is lined through):

**LR11.1W Signing of Pleadings, Motions and Other Papers**

A. Every pleading, written motion, or other paper ~~presented for filing~~ shall, in accordance with the Federal Rules of Civil Procedure, be signed personally by counsel admitted to practice before the court or admitted pro hac vice for the case in ~~his or her~~ the attorney's individual name. If the document is submitted by a pro hac vice attorney, the document must also be signed by local counsel associated with such pro hac vice attorney in accordance with LR83.2.6W. In addition, counsel's name, address, telephone number and Attorney Identification Number shall be typed or printed under ~~his or her~~ the attorney's signature. If the attorney is admitted to the bar by the Supreme Court of Louisiana, the Attorney Identification Number shall be the same as the number assigned by the Supreme Court of Louisiana. Otherwise, the Attorney Identification Number shall be the number assigned by this court.

Documents filed by a party not represented by counsel shall be signed by the party and shall include name, address and telephone number.

Each attorney and pro se litigant has a continuing obligation to apprise the court of any address change.

B. In any action, civil or criminal, by presenting to the court (whether by signing, filing, submitting, or advocating) a pleading, oral or written motion, or other paper, an attorney or unrepresented party is certifying to the best of that person's knowledge, information and belief, formed after an inquiry reasonable under the circumstances

- (1) it is not being presented for any improper purpose, such as to harass or to cause unnecessary delay or needless increase in the cost of litigation;
- (2) the claims, defenses, and other legal contentions therein are warranted by existing law or by a nonfrivolous argument for the extension, modification or reversal of existing law or the establishment of new law;
- (3) the allegations and other factual contentions have evidentiary

- support or, if specifically so identified, are likely to have evidentiary support after a reasonable opportunity for further investigation or discovery;
- (4) the denials of factual contentions are warranted on the evidence, or if specifically so identified, are reasonably based on a lack of information or belief; and
  - (5) all pleadings and written motions have been personally read and approved by all persons whose signature appears on the document.

Sanctions may be imposed for violations of this rule in accordance with the procedures and provisions of Federal Rule of Civil Procedure 11(c).

#### **LR26.1W Civil Actions Subject to the December 1, 2000 ~~1993~~ Discovery Amendments**

All cases filed on or after December 1, 2000 ~~1993~~ shall be subject to the amendments to Federal Rules of Civil Procedure 26 through 37, ~~except as modified by these rules. Cases filed prior to December 1, 1993 shall also be subject to such rules with the following exceptions:~~

- ~~1. FRCvP 26(a)(2) entitled "Disclosure of Expert Testimony" shall not apply unless ordered by a judge of this court or by stipulation of the parties.~~
- ~~2. FRCvP 26(a)(3) entitled "Pretrial Disclosures" shall not apply unless ordered by a judge of this court or by stipulation of the parties.~~
- ~~3. Formal discovery under FRCvP 30-36 may be conducted in all cases unless otherwise ordered by a judge of this court or by stipulation of the parties.~~
- ~~4. The meeting of the parties mandated by FRCvP 26(f) is not required unless ordered by a judge of this court or by stipulation of the parties.~~

#### **~~LR26.3W Initial Disclosure Under FRCvP 26(a)(1) Not Required~~**

~~In the Western District of Louisiana the provisions of Federal Rule of Civil Procedure Section 26(a)(1) entitled "Initial Disclosures" shall not apply unless specifically ordered by a judge of this court or by stipulation of the parties.~~

#### **~~LR26.4W Exemptions From the Requirements of FRCvP 26(d) and (f)~~**

~~In cases listed below, the requirements of Federal Rule of Civil Procedure 26(d) and (f) shall not apply unless specifically ordered by a judge of this court. Discovery may begin immediately upon the filing of the civil action. No meeting of the parties to prepare a discovery plan is required. The classes of cases exempt from Federal Rule of Civil Procedure 26(d) and (f) are:~~

- ~~1. Social Security Appeals;~~
- ~~2. Bankruptcy Appeals;~~

- ~~3. Habeas Corpus Cases,~~
- ~~4. Prisoner cases under 42 USC 1983 involving conditions of confinement,~~
- ~~5. "Uncontested Cases," which are defined as collection cases filed by the United States of America in which no responsive pleadings have been filed.~~

#### **LR26.5 Non-Filing of Disclosure, Discovery Requests and Responses: Retention by Requesting Party**

~~Disclosure under FRCvP 26, Interrogatories propounded under FRCvP 33, and the answers thereto, Requests for Production or Inspection made under FRCvP 34, Requests for Admissions under FRCvP 36, and responses thereto shall be served upon other counsel or unrepresented parties, but shall not be filed with the court, unless the court orders that such materials be filed. Notices of depositions may be filed with the court, but depositions shall not be filed unless otherwise authorized.~~ In accordance with Federal Rule of Civil Procedure 5(d), disclosure of discovery materials must shall not be filed with this court unless authorized. The party preparing and responsible for service of the disclosure or discovery material shall retain the original and become the custodian of any such non-filed materials.

#### **LR83.2.6W Visiting Attorneys**

Any member in good standing of the bar of any court of the United States or of the highest court of any state and who is ~~ineligible to become~~ not a member of the bar of this court, may, upon written motion of counsel of record who is a member of the bar of this court, by ex parte order, be permitted to appear and participate as co-counsel in a particular case.

The motion must have attached to it a certificate of recent date from by the presiding judge or clerk of the highest court of the state, or court of the United States, where the attorney ~~he or she~~ has been so admitted to practice, showing that the applicant attorney has been so admitted in such court, and that ~~he or she~~ the applicant is in good standing therein.

The applicant attorney shall state under oath whether any disciplinary proceedings or criminal charges have been instituted against the applicant ~~him or her~~, and if so, shall disclose full information about the proceeding or charges and the ultimate determination, if any. results ~~thereof~~.

The applicant attorney shall pay a \$25.00 ~~any fee to~~ required by the clerk of court and shall take the same oath as members of the bar of this court.

An attorney ~~thus~~ permitted to appear may participate in a particular action or proceeding in all respects, except that all documents requiring signature of counsel for a party may not be signed solely by such attorney, but must bear the signature also of local counsel with whom ~~he~~ the visiting attorney is associated.

Local counsel shall be responsible to the court at all stages of the proceedings.

Designation of the visiting attorney as "Trial Attorney" pursuant to LR11.2 herein shall not relieve the local counsel of the responsibilities imposed by this rule.

The fee described in this rule is applicable in each case in which the visiting attorney seeks recognition as qualified counsel.

Comments may be made in writing addressed to Chief Judge F. A. Little, Jr., P.O. Box 1031,  
Alexandria, Louisiana 71309, before April 1, 2001.

Shreveport, Louisiana, this \_\_\_\_\_ day of February, 2001.

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**ROBERT H. SHEMWELL**  
**CLERK OF COURT**